

**FIFTIETH DAY**

(Monday, April 12, 1943)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called, and the following Senators were present:

Aikin	Metcalf
Beck	Moffett
Brownlee	Moore
Bullock	Morris
Chadick	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Lanning	Weinert
Lovelady	Winfield
Martin	York
Mauritz	

A quorum was announced present.

Rev. S. B. Culpepper, Chaplain, offered prayer.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, April 8, 1943, was dispensed with and the Journal was approved.

**Leaves of Absence Granted**

Senators Fain, Formby, Kelley, Lemens, and Spears were granted leave of absence for today and the remainder of this week on account of official business, on motion of Senator Metcalfe.

Senator Cotten was granted leave of absence for today on account of important business, on motion of Senator Aikin.

**Senate Bill 342 on First Reading**

Senator Metcalfe moved that the rule prescribing limitations relative to the introduction of bills after the first 60 calendar days of the session be suspended, to permit the introduction of a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—25

Aikin	Chadick
Beck	Graves
Brownlee	Hazlewood
Bullock	Jones

Lane	Ramsey
Lanning	Shivers
Lovelady	Stone
Martin	Sulak
Mauritz	Vick
Metcalf	Weinert
Moffett	Winfield
Moore	York
Morris	

**Absent—Excused**

Cotten	Kelley
Fain	Lemens
Formby	Spears

The following bill then was introduced, read first time, and referred to the committee indicated:

By Senator Metcalfe:

S. B. No. 342, A bill to be entitled "An Act to permit any county with a population of not more than 5,000 people according to the last Federal Census to adopt by a majority vote of qualified voters of such county a county unit system to the extent provided in this Act; making provisions for the formation of a county-wide school district therein; making provision for holding election in each such county on the question of the adoption of the provisions of this Act; making provision for holding election in each such county to determine whether an equalization tax not to exceed twenty (20) cents on the One Hundred (\$100.00) Dollars valuation of property shall be levied and collected annually on all taxable property in the county, such tax to be distributed to the school districts of the county as herein provided; making provision for the assessment and collection of said equalization tax, and prescribing the duties of the county tax assessor and collector and county superintendent; prescribing the duties of the County Board of School Trustees with respect to such tax and the funds derived therefrom; providing for the making of bond by the tax collector; providing that all rights, duties and powers of the several common and independent school districts in any such county shall remain undisturbed and shall not be affected, except as expressly provided in this Act; providing a saving clause; repealing all laws in conflict herewith; and declaring an emergency."

To Committee on Education.

**Senate Bill 343 on First Reading**

Senator Winfield moved that the rule prescribing limitations relative to the introduction of bills after the first 60 calendar days of the session be suspended, to permit the introduction of a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—25

Aikin	Metcalf
Beck	Moffett
Brownlee	Moore
Bullock	Morris
Chadick	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Lanning	Weinert
Lovelady	Winfield
Martin	York
Mauritz	

Absent—Excused

Cotten	Kelley
Fain	Lemens
Formby	Spears

The following bill then was introduced, read first time, and referred to the committee indicated:

By Senator Winfield:

S. B. No. 343, A bill to be entitled "An Act authorizing the State Highway Department of Texas to enter into agreements with the Public Roads Administration of the United States for the construction and maintenance of flight strips and of certain classes of roads in order to facilitate the war effort; providing a savings clause; and declaring an emergency."

To Committee on Highways and Motor Traffic.

**Senate Resolution 73**

Senator Aikin offered the following resolution:

Whereas, Mr. and Mrs. J. C. Travis of Paris, Texas, are in the Capitol as visitors; and

Whereas, Mr. and Mrs. Travis are active civic leaders in their community—are among our finest citizens, and we are delighted to have them as our guests; now, therefore, be it

Resolved by the Senate, That Mr. and Mrs. Travis be extended a hearty

welcome and the privileges of the floor for today.

The resolution was read and was adopted.

**Senate Concurrent Resolution 43**

Senator Martin offered the following resolution:

S. C. R. No. 43, Requesting the National Director of OPA to order the continuance of the Texas State OPA headquarters at Fort Worth, Texas.

Whereas, According to published reports, there is a definite movement now being made by the OPA officials in Washington to abolish the Texas State Headquarters of OPA which is located in Fort Worth, and to administer the functions of this important office through a regional set-up which will include not only Texas but several other states; and

Whereas, By reason of the size of the State of Texas and the varied conditions existing within the different sections of the State, it is desirable and essential that the people of this great State have located within its borders a State headquarters which will be more closely in touch with the hardships naturally incumbent upon Texas citizens because of the restrictions which are required to be enforced in the prosecution of the war effort; and

Whereas, It is both desirable and necessary that the citizenship of the State of Texas have located within its confines a State headquarters where Texas citizens may, without unusual burden, make contact with the OPA State headquarters and get vital information and orders with respect to the manner in which the different orders and restrictions are being enforced and will be enforced, and to present their problems to a more or less local tribunal, which tribunal in the nature of a State headquarters will have in mind and be familiar with the problems of the citizenship of our State in its efforts to comply with the necessary requirements of the OPA; therefore be it

Resolved, That the Senate of Texas, the House of Representatives concurring, call upon the Honorable Prentiss Brown, National Director of the OPA, to order the Texas State Headquarters to be continued permanently at its location in Fort Worth, Texas, so

that confusion may be avoided and so that the people of Texas may have an opportunity to present their difficulties and problems to a headquarters of this arm of the government, which said headquarters will be cognizant and familiar with the local sections and problems involved, and with the hardships incident to a strict enforcement of some of the rules and regulations laid down by the OPA, and to impress upon Mr. Brown the imperative necessity that this State Headquarters be continued; be it further

Resolved, That copies of this resolution be forwarded to the Honorable Prentiss Brown and to all members of the Texas delegation in the Congress.

The resolution was read and was adopted.

#### **Committee Substitute Senate Bill 61 on Second Reading**

On motion of Senator Aikin, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

C.S.S.B. No. 61, A bill to be entitled "An Act to amend Sections 7, 9, 30, 32, 38, 40, 49, 73, and 76 of S. B. No. 111, passed at the Second Called Session of the Forty-first Legislature, and known as Chapter 61, page 100, of the General Laws passed by the Second Called Session of the Forty-first Legislature, as any of said Sections may have been amended; and declaring an emergency."

The President laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time.

On motion of Senator Aikin, the bill was tabled subject to call.

#### **Conference Committee on Senate Bill 44**

Senator Weinert called S. B. No. 44 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Weinert moved that the Senate do not concur in the House amendments and that a Conference Committee be appointed to adjust the

differences between the two Houses on the bill.

The motion prevailed.

Accordingly, the President announced the appointment of the following conferees on the part of the Senate:

Senators Weinert, Moore, Shivers, Lane, and Lovelady.

#### **Senate Bill 143 with House Amendments**

Senator Lane called S. B. No. 143 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Lane moved that the Senate do not concur in the House amendments and that a Conference Committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

#### **Senate Bill 179 with House Amendments**

Senator Shivers called S. B. No. 179 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

On motion of Senator Shivers, the Senate concurred in the House amendments.

#### **Senate Bill 282 on Passage to Engrossment**

The President laid before the Senate, as a special order for this hour, on its passage to engrossment (the bill having been read second time on April 1, 1943):

S. B. No. 282, A bill to be entitled "An Act adding a new Article to Chapter 10, under Title 83, entitled Labor, of the Revised Civil Statutes of the State of Texas of the year 1925 codification providing for maximum fees that may be charged for persons joining labor unions in Texas; providing for certain penalties for members of labor unions for striking or ceasing to work without being duly authorized by the duly constituted

authorities of the union of which they are members; providing for certain penalties for any person or persons making false and fraudulent promises in order to induce persons who are not members of a union to become union members of labor organizations in Texas; and amending Article 5186 of the Revised Civil Statutes of the State of Texas under Title 83, Chapter 10, entitled Labor, to provide for the referring by the Governor, by proclamation, controversies between employers and employees of organized groups as well as any misconduct or irregularity with reference to the charging of exorbitant or duplicate initiation fees where the same is a matter of public concern; and declaring an emergency."

On motion of Senator Hazlewood, and by unanimous consent, the bill was re-set as a special order for tomorrow, immediately after the conclusion of the morning call.

#### Message from the Governor

The following message from the Governor was received, read by the Secretary and referred to the Committee on Nominations of the Governor:

Austin, Texas,  
April 12, 1943.

To the Senate of the Forty-eighth Legislature:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be Pilot Commissioners for Sabine Bar, Pass and Tributaries, for two year terms to expire April 29, 1945:

W. W. Glass of Port Arthur, Jefferson County;

S. O. Latimer of Port Arthur, Jefferson County;

T. T. Hunt of Beaumont, Jefferson County;

A. M. Phelan of Beaumont, Jefferson County;

L. W. Hustmyre of Orange, Orange County.

To be Branch Pilot for the Galveston Bar and Houston Ship Channel, for a two year term expiring April 23, 1945:

Charles H. McLean of Harris County.

Respectfully submitted,  
COKE R. STEVENSON,  
Governor of Texas.

#### Message from the House

Hall of the House of Representatives,  
Austin, Texas,  
April 12, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolution:

S. B. No. 47, A bill to be entitled "An Act amending Articles 608 and 613 of Title 20, Chapter 2 of the Revised Civil Statutes of 1925 so as to enable the Board of Control to invite bids on printing, binding, stationery, and supplies of like character estimated to cost less than One Hundred (\$100.00) Dollars without publishing the proposed letting, and prescribing the method by which the Board of Control notifies the successful bidder of the amount of the bond or certified check required; and declaring an emergency."

H. B. No. 11, A bill to be entitled "An Act validating patents heretofore issued in the name and by the authority of the State, under the seal of the State and of the Land Office, signed by the Governor and countersigned by the Commissioner of the General Land Office, under the provisions of Section Five (5), Chapter 271, Acts of the Forty-second Legislature, Regular Session; and declaring an emergency."  
(With engrossed rider.)

H. B. No. 46, A bill to be entitled "An Act for the purpose of releasing the interest and penalties on all delinquent ad valorem and poll taxes that were delinquent on or before January 1, 1943, due to the State, any county, common school district, road district, levee improvement district, water improvement district, and water control and improvement district, irrigation district, and other defined subdivisions of the State, and providing further that this Act releasing penalties and interest shall not apply to cities, towns, and villages, and special school districts, and independent school districts unless and until the governing body thereof finds that unusual or excessive default in the payment of ad valorem and poll taxes has occurred and that an extension of time for the payment of said ad valorem and poll

taxes will accelerate the payment thereof, and such governing body has adopted a resolution or ordinance evidencing such finding, and upon the recording of such findings of fact shall have the authority to put in force and effect the provisions hereof as to any such city, town or village; etc.; and declaring an emergency."

H. B. No. 136, A bill to be entitled "An Act amending Article 2911 Revised Civil Statutes providing for the teaching of the effects of alcohol and other narcotics in all grades of the public schools, colleges and universities of Texas that are wholly or in part supported by public funds; and declaring an emergency."

H. B. No. 164, A bill to be entitled "An Act amending Article 2789 of the Revised Civil Statutes of the State of Texas, relating to the refunding of bonds issued by any town or village incorporated for free school purpose only, or any common, independent, or consolidated common, or consolidated independent county line, or consolidated county line or rural high school district, providing new bonds bearing the same or less rate of interest maturing within forty years from date of issue may be issued and providing that said bonds may be optional and payable on any interest payment date and giving the State the option to purchase said new refunding bonds by meeting the best bona fide bid when said bonds do not bear less than 2.5% interest; etc.; and declaring an emergency."

H. B. No. 188, A bill to be entitled "An Act to amend Section 2 of Chapter 212 of the General and Special Laws of the Regular Session of the Fortieth Legislature of Texas, so as to permit the use of convict labor for harvesting of crops during the war, or the national emergency, in areas near the prison system, repealing all laws in conflict herewith; etc.; and declaring an emergency."

H. B. No. 210, A bill to be entitled "An Act providing for and regulating appropriations for moneys in the State Treasury not otherwise appropriated, to supplement local funds for the support, maintenance, operation, and improvement of the public junior colleges of Texas as named in this Act; etc.; and declaring an emergency."

H. B. No. 286, A bill to be entitled "An Act making appropriation of

Five Thousand (\$5,000) Dollars to the Livestock Sanitary Commission of Texas for the purpose of purchasing dip material; etc.; and declaring an emergency."

S. C. R. No. 41, Providing for sine die adjournment of the Forty-eighth Legislature at 12:00 o'clock noon, Tuesday, May 11, 1943.

Respectfully submitted,

CLARENCE JONES,  
Chief Clerk, House of Representatives.

#### Bills and Resolution Signed

The President signed, in the presence of the Senate, after giving due notice thereof, the following enrolled bills and resolution:

H. B. No. 61, A bill to be entitled "An Act amending Article 5280 and 5282 of the 1925 Revised Civil Statutes of Texas as amended by S. B. No. 351, Acts of the Forty-seventh Legislature, Regular Session, 1941, providing for the recording of field notes, plats and other documents subject to being recorded in the county surveyor's records the issuance of certificate of facts and other certified copies of documents of record in the county surveyor's office; etc.; and declaring an emergency."

H. B. No. 572, A bill to be entitled "An Act amending H. B. No. 1000, Regular Session Forty-sixth Legislature, by inserting a new Section to be known as Section 1a, and amending Section 4 of said Act providing for the expenditure of funds collected thereunder, and by amending Section 5a of said Act to clarify the provision restricting the taking of turkey gobblers in the counties of which said Act applies; and declaring an emergency."

H. B. No. 426, A bill to be entitled "An Act making it the duty of the county superintendent to deduct from the salary of each teacher or employee of common school districts or other school districts under his jurisdiction the so-called Federal Victory Tax and/or other taxes levied by the Federal Government upon salaries, such deductions to be made from the per capita apportioned moneys or from other funds available for payment of such salaries and to be placed in a common fund in the county depository, and to be forwarded to the proper Federal authorities when the tax or taxes are due; etc.; and declaring an emergency."

H. B. No. 396, A bill to be entitled "An Act amending H. B. No. 794, Regular Session Forty-seventh Legislature, so as to provide for the taking of raccoon in Commissioners' Precinct No. 4 of Red River County; and declaring an emergency."

H. B. No. 1, A bill to be entitled "An Act making an appropriation of the sum of Two Hundred and Fifty Thousand (\$250,000) Dollars, or so much thereof as may be necessary, out of the funds in the State Treasury not otherwise appropriated, to pay the contingent expenses, and to pay the mileage and per diem of Members and the per diem of officers and employees of the Regular Session of the Forty-eighth Legislature; etc.; and declaring an emergency."

H. B. No. 98, A bill to be entitled "An Act regulating the official ballot and requiring the county committee to print a minimum of four official ballots for each county for primary elections, otherwise as pursuant to Article 3109, Revised Civil Statutes of Texas, differing only with respect to the office of county commissioner; etc.; and declaring an emergency."

H. C. R. No. 88, Relative to the use of the Hall of the House of Representatives for meeting of citizens and taxpayers.

S. B. No. 60, A bill to be entitled "An Act conferring upon the Board of Regents of the Texas State College for Women of Texas the power of eminent domain to acquire land for the use of the College; exempting said Regents from depositing bond as provided in Section 2, of Article 3268, Revised Civil Statutes of Texas of 1925; and declaring an emergency."

S. B. No. 175, A bill to be entitled "An Act to amend Section 3, Chapter 485, Acts of the Regular Session of the Forty-seventh Legislature, by providing certain limitations, regulations allocations; and declaring an emergency."

S. B. No. 188, A bill to be entitled "An Act authorizing the transfer of the title to 20 3/10 acres of land, more or less, from the Rusk State Hospital to the Texas State Railroad with full authority to lease or dispose of it as plant sites for industries located on said railroad by its board of managers, or manager, that said railroad does not own land on its right of way suitable for plant sites

to its great loss in revenue; providing for an easement across the property described in this Act where the Texas sewer lines cross the same; and providing that the Rusk State Hospital be allowed six months from the date of transfer in which to remove and/or sell the timber now located on the tract of land described herein; and declaring an emergency."

S. B. No. 199, A bill to be entitled "An Act authorizing the State of Texas to invest certain funds in Defense Bonds or other obligations of the United States of America, and authorizing any political subdivision of the State of Texas which heretofore has issued and sold bonds and is unable to obtain labor and materials to carry out the purpose for which the bonds were issued may invest the proceeds now on hand in Defense Bonds or other obligations of the United States of America; providing that whenever war time or any other regulations shall permit such political subdivisions to acquire the necessary labor and materials the bonds of the United States in which said proceeds are invested shall be sold or redeemed and the proceeds of said bonds shall be used for the purpose for which the bonds of any such subdivision were authorized; and declaring an emergency."

#### Senate Bill 230 on Second Reading

The President laid before the Senate, as a special order for this hour, on its second reading and passage to engrossment:

S. B. No. 230, A bill to be entitled "An Act requiring ambulances to be equipped with first aid kits and traction splints; requiring that operators thereof hold first aid certificates or the equivalent; providing penalties for violation, providing an effective date; and declaring an emergency."

The bill was read second time.

Senator Morris offered the following amendment to the bill:

Amend S. B. No. 230 by striking out all below the enacting clause and inserting in lieu thereof the following:

"Section 1. No person, firm or corporation shall operate or cause to be operated in the State of Texas any ambulance, public or private, or any other vehicle commonly used for the transportation or conveyance of the sick or injured, without first securing

a permit therefor from the State Board of Health as hereinafter provided.

"Sec. 2. Every ambulance, patrol automobile or vehicle hereinafter described, before permit is issued therefor, shall be equipped with and, when in service, carry as minimum equipment the following:

"(a) A first aid kit as prescribed and approved by the State Board of Health.

"(b) Traction splints for the proper transportation of fractures of the extremities as prescribed and approved by the State Board of Health.

"Sec. 3. Every such ambulance or vehicle hereinabove described when in service shall be accompanied by at least one person who has acquired theoretical or practical knowledge in first aid as prescribed and certified by the American Red Cross, evidenced by a certificate issued to such person by the State Board of Health under such rules and regulations as it may prescribe.

"Sec. 4. Application for a permit to operate any such ambulance or other vehicle hereinabove described on the streets of any city or on the highways of this State shall be made upon a form prescribed by the State Board of Health. Said application shall be made to any public health officer of any of the political subdivisions of this State where said applicant's principal place of business is located and if said public health officer finds that the applicant has complied with the provisions of this Act and the rules and regulations prescribed by the State Board of Health for the purpose of carrying out this Act, it shall be the duty of the State Board of Health to issue a permit to said applicant, which permit shall expire two years from the date of its issuance. Such permit may be renewed by the State Board of Health upon finding by a health officer of a political sub-division of this State that the holder of said permit is complying with the provisions of this Act and the rules and regulations of the State Board of Health.

"Each permit shall be numbered and posted at such place in the interior of the ambulance or vehicle as the State Board of Health may prescribe.

"Any such permit may be subject to revocation by the State Board of Health upon the finding by a public

health officer of any political sub-division of this State that said permittee has failed to comply with the provisions of this Act or the rules and regulations of the State Board of Health provided, however, that said permittee is given notice and an opportunity to be heard.

"Sec. 5. Any person violating the provisions of this Act shall, upon conviction thereof, be punished by a fine of not to exceed One Hundred Dollars (\$100.00).

"Sec. 6. If any part or parts of this Act shall be held to be unconstitutional, such unconstitutionality shall not affect the validity of the remaining parts of this Act. The Legislature hereby declares that it would have passed the remaining parts of this Act if it had known that such part or parts thereof would be declared unconstitutional.

"Sec. 7. That all laws or parts of laws in conflict with this Act are hereby repealed.

"Sec. 8. The importance of this Act for the benefit of public safety creates an emergency and an imperative public necessity requiring the suspension of the Constitutional Rule requiring all bills to be read on three several days in each House be suspended, and the same is hereby suspended, and that this Act shall take effect and be in force from and after August 1st, 1943, and it is so enacted."

MORRIS,  
SHIVERS,  
MOORE.

Senator Martin offered the following amendment to the amendment:

Amend the mimeographed amendment to S. B. No. 230, Section 1, line 2, by inserting, immediately preceding the word "ambulance," the word "emergency."

The amendment to the amendment was adopted.

Senator Martin offered the following amendment to the amendment:

Amend the mimeographed amendment to S. B. No. 230, Section 3, by adding thereto a new paragraph to read as follows:

"Provided, however, that after the passage of this Act firms or establishments operating ambulances will be given sixty days in which to furnish such Red Cross First Aid Course

as specified herein and, further, that in the future new employees employed for the purpose of operating ambulances will be given sixty days in which to complete said first aid course."

The amendment to the amendment was adopted.

Senator Hazlewood offered the following amendment to the amendment:

Amend the amendment to S. B. No. 230 by adding the words "and school bus" after the word "ambulance" everywhere the latter word appears.

On motion of Senator Morris, the amendment to the amendment was tabled.

The amendment as amended was adopted.

Senator Morris offered the following amendment to the bill:

Amend S. B. No. 230 by striking out all above the enacting clause and inserting in lieu thereof the following:

"A bill regulating public and private ambulances operated in the State of Texas; providing for issuance of permits for their operation and for the kind of minimum equipment and qualifications of persons operating the same and connected therewith; providing for permits, and requirements for operation thereof; prohibiting the operation thereof without a permit; providing penalties for violation thereof; providing for enforcement of this Act; and declaring an emergency; and repealing all conflicts."

MORRIS,  
SHIVERS,  
MOORE.

The amendment was adopted.

The bill (as amended) was passed to engrossment.

#### Senate Bill 230 on Third Reading

Senator Morris moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 230 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

Aikin  
Beck

Brownlee  
Bullock

Chadick  
Graves  
Hazlewood  
Jones  
Lane  
Lanning  
Lovelady  
Martin  
Mauritz  
Metcalf  
Moffett

Moore  
Morris  
Ramsey  
Shivers  
Stone  
Sulak  
Vick  
Weinert  
Winfield  
York

#### Absent—Excused

Cotten  
Fain  
Formby

Kelley  
Lemens  
Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### Senate Resolution 74

##### (Keeping of Game in Storage)

Senator Moore, by unanimous consent, offered at this time the following resolution:

Whereas, The laws of the State of Texas have been amended so as to permit the keeping in storage of game, game birds and migratory water fowls; and

Whereas, The rules issued by the Federal Bureau in charge of such, prevents the keeping of water fowls in storage for more than thirty (30) days after the season closes; and

Whereas, With the present meat shortage it is to the best interest of the public and in the interest of conservation to permit migratory water fowls to be kept in storage for a longer period of time after season for taking same has closed; now, therefore, be it

Resolved by the Senate of Texas, That the proper Board, Bureau or Commission of the Federal Government be requested to extend the time in which game may be kept in storage; and be it further

Resolved, That a copy of this resolution be mailed to each Senator and Representative in the Congress of the United States from Texas, and that they be requested to use their best efforts at this time to bring about such extension for the next hunting season.

MOORE,  
SHIVERS.



The resolution was read; and by unanimous consent, it was considered immediately and was adopted.

### Executive Session

On motion of Senator Brownlee, the Senate at 11:10 o'clock a. m., agreed to hold an executive session of the Senate at 11:15 o'clock a. m. tomorrow.

### Senate Bill 284 on Second Reading

The President laid before the Senate, as a special order for this hour, on its second reading and passage to engrossment:

S. B. No. 284, A bill to be entitled "An Act relating to appeals from rules, orders, or decisions of administrative bodies, repealing all laws in conflict herewith; and declaring an emergency."

The bill was read second time.

Senator Shivers offered the following amendment to the bill:

Amend S. B. No. 284 by adding a new Section to be known as Section 1-a reading as follows:

"Any appeal taken under the provisions of Section 1 of this Act shall be taken within 75 days of the date of the order, rule or decision appealed from and not thereafter."

SHIVERS,  
MOORE.

The amendment was adopted.

Pending further consideration of the bill, President pro tempore Mauritz occupied the Chair temporarily.

(President in the Chair.)

(Senator Vick in the Chair.)

The bill was passed to engrossment by the following vote:

Yeas—13

Beck	Ramsey
Brownlee	Shivers
Graves	Stone
Hazlewood	Weinert
Jones	Winfield
Lovelady	York
Martin	

Nays—11

Aikin	Moffett
Bullock	Moore
Chadick	Morris
Lane	Sulak
Mauritz	Vick
Metcalf	

Absent

Lanning

Absent—Excused

Cotten	Kelley
Fain	Lemens
Formby	Spears

### Senate Bill 284 on Third Reading

Senator Martin moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 284 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—23

Aikin	Moffett
Beck	Moore
Brownlee	Morris
Bullock	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Lanning	Weinert
Lovelady	Winfield
Martin	York
Mauritz	

Nays—2

Chadick	Metcalf
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Absent—Excused

Cotten	Kelley
Fain	Lemens
Formby	Spears

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—14

Beck	Martin
Brownlee	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Weinert
Lanning	Winfield
Lovelady	York

Nays—11

Aikin	Moffett
Bullock	Moore
Chadick	Morris
Lane	Sulak
Mauritz	Vick
Metcalf	

## Absent—Excused

Cotten	Kelley
Fain	Lemens
Formby	Spears

## Senate Bill 309 on Second Reading

Senator Lanning moved that the regular order of business be suspended to take up for consideration at this time:

S. B. No. 309, A bill to be entitled "An Act amending Section 3 of S. B. No. 154, Chapter 19, Acts of the Regular Session of the Forty-fourth Legislature, providing for a reduction in the number of directors of the Brazos River Conservation and Reclamation District; providing the terms of such directors, the method of appointment, and the confirmation of such appointments by the Senate; and declaring an emergency."

The motion prevailed by the following vote:

## Yeas—22

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalf
Bullock	Moore
Chadick	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lanning	Weinert
Lovelady	Winfield

## Nays—3

Moffett	York
Vick	

## Absent—Excused

Cotten	Kelley
Fain	Lemens
Formby	Spears

(President in the Chair.)

The President laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time.

Senator Lanning offered the following amendment to the bill:

Amend S. B. No. 309 by striking out all below the enacting clause and inserting in lieu thereof the following:

"Section 1. Section 6, Chapter 13, Special Laws, Second Called Session

of the Forty-first Legislature, as amended by Section 3, Chapter 19, Acts of the Regular Session of the Forty-fourth Legislature, is hereby amended so as to hereafter read as follows:

"Sec. 6. From and after the passage of this Act the Board of Directors of the Brazos River Conservation and Reclamation District shall consist of nine (9) members. Said members shall be appointed by the Governor, subject to confirmation by the Senate. Further, each member shall be a citizen of the area comprising the District and a property tax paying voter. Upon notification by the Governor of their designation as members of said Board, and not more than thirty (30) days thereafter, the members of the Board of Directors shall meet and organize by election of one of their number as President, one as Vice-president and one as Secretary. This Board of nine (9) members is hereby declared to be a permanent Board and shall be divided into three (3) classes of three (3) each, as may be determined by lot: The term of office of those falling in class one shall expire on the first day of June, 1945, the term of office for those falling in class two shall expire June 1, 1947, and those falling in class three shall expire the first day of June, 1949, and their successors shall serve for a term of six (6) years or until their successors are designated and qualified. Each of said Directors shall take and subscribe to an oath of office, similar in character to the oaths administered to County Commissioners and shall execute bond in the sum of Five Thousand (\$5,000) Dollars each, payable to the District, which bonds after being recorded in the official bond records of the county in which the district maintains its office shall be deposited with a depository selected and approved for the deposit of the funds of said District. All vacancies occurring in the Board of Directors shall be filled by appointments by the Governor of the State of Texas, subject to confirmation by the Senate. Seven (7) members shall constitute a quorum to transact business. No more than two (2) of said Directors shall be appointed who reside in the same county at the time of their appointment and in making said appointments and equal and equitable distribution of said appointments over

the entire district shall be made, it being the object and purpose to insure representation on the Board of Directors from all sections of such District.'

"Sec. 2. It is the express purpose and legislative intent of this Act that a more workable Board be established, and that the present Board of Directors serve until such time as the new Board of nine (9) members take office.

"Sec. 3. The importance of this legislation to a very large area of the most productive agricultural and other land of the State, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days be suspended, and said rule is hereby suspended, and this Act shall take effect from and after its passage, and it is so enacted."

The amendment was adopted.

The bill was passed to engrossment.

#### Senate Bill 309 on Third Reading

Senator Lanning moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 309 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—22

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalfe
Bullock	Moore
Chadick	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lanning	Weinert
Lovelady	Winfield

Nays—3

Moffett	York
Vick	

Absent—Excused

Cotten	Kelley
Fain	Lemens
Formby	Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### Night Session to Consider Local and Uncontested Bills

Senator Lovelady moved that the Senate hold a session at 8:00 o'clock p. m. on Monday, April 19, 1943, to consider local and uncontested bills.

The motion prevailed.

#### Recess

On motion of Senator Ramsey, the Senate, at 12:12 o'clock p. m., took recess to 2:30 o'clock p. m. today.

#### Afternoon Session

The Senate met at 2:30 o'clock p. m. and was called to order by the President.

#### Reports of Standing Committees

Senator Lovelady, by unanimous consent, submitted at this time the following reports:

Austin, Texas,  
April 12, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Educational Affairs to whom was referred S. B. No. 342, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LOVELADY, Chairman.

Austin, Texas,  
April 12, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Educational Affairs to whom was referred S. B. No. 168, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LOVELADY, Chairman.

Senator Hazlewood, by unanimous consent, submitted at this time the following report:

Austin, Texas,  
April 12, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Oil, Gas and Conservation to whom was referred S. B. No. 287, have had same under consideration, and I am in-

structed to report it back to the Senate with the recommendation that it do not pass but that the Committee substitute for S. B. No. 287 which is attached hereto do pass and be printed.

HAZLEWOOD, Chairman.

#### Senate Bill 21 with House Amendments

Senator Vick called S. B. No. 21 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

On motion of Senator Vick, the Senate concurred in the House amendments.

#### House Bills on First Reading

The following House bills, received from the House on yesterday, were laid before the Senate, read first time, and referred to the committees indicated.

H. B. No. 11, to Committee on Public Lands.

H. B. No. 46, to Committee on State Affairs.

H. B. No. 136, to Committee on Education.

H. B. No. 164, to Committee on Civil Jurisprudence.

H. B. No. 188, to Committee on State Affairs.

H. B. No. 210, to Committee on Finance.

H. B. No. 286, to Committee on Finance.

#### House Concurrent Resolutions Referred

The following resolutions, received from the House today, were laid before the Senate, read severally, and referred to the committees indicated:

H. C. R. No. 27, to Committee on State Affairs.

H. C. R. No. 86, to Committee on State Affairs.

H. C. R. No. 95, to Committee on State Affairs.

#### Conference Committee on Senate Bill 144

Senator Lanning called S. B. No. 144 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Lanning moved that the Senate do not concur in the House amendments and that a conference committee be appointed to adjust the differences between the two houses on the bill.

The motion prevailed.

Accordingly, the President announced the appointment of the following conferees on the part of the Senate:

Senators Lanning, Moore, Lovelady, Metcalfe and Aikin.

#### Senate Bill 212 on Second Reading

On motion of Senator Sulak, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

S. B. No. 212, A bill to be entitled "An Act making an appropriation to pay J. L. Stierling, Warrant No. 88470, dated February 7, 1935, on which payment is prohibited by the Statute of limitation; and declaring an emergency."

The President laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time and was passed to engrossment.

#### Senate Bill 212 on Third Reading

Senator Sulak moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 212 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

Aikin	Lanning
Beck	Lovelady
Brownlee	Martin
Bullock	Mauritz
Chadick	Metcalfe
Graves	Moffett
Hazlewood	Moore
Jones	Morris
Lane	Ramsey

Shivers	Weinert
Stone	Winfield
Sulak	York
Vick	

Absent—Excused

Cotten	Kelley
Fain	Lemens
Formby	Spears

The President laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—25

Aikin	Metcalf
Beck	Moffett
Brownlee	Moore
Bullock	Morris
Chadick	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Lanning	Weinert
Lovelady	Winfield
Martin	York
Mauritz	

Absent—Excused

Cotten	Kelley
Fain	Lemens
Formby	Spears

**Senate Bill 112 on Second Reading**

The President laid before the Senate, on its second reading and passage to engrossment:

S. B. No. 112, A bill to be entitled "An Act to amend Article 4729, Revised Civil Statutes of Texas, 1925; and declaring an emergency."

The bill was read second time.

Senator Vick offered the following amendment to the bill:

Amend S. B. No. 112 by striking out the first sentence "Art. 4729. Dividends to be paid from profits" and inserting in lieu thereof the following:

"No life insurance company organized under the laws of this State shall declare or pay any dividends to its policyholders, except from the expense loading and profits made by such company, provided, however, an insurance company not showing a profit may pay dividends on its participating policies from the expense loading on such policies; and provided further that any payment of

dividends from the expense loading shall not be discriminatory as between policy holders."

The amendment was adopted.

The bill was passed to engrossment.

**Senate Bill 112 on Third Reading**

Senator Vick moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 112 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

Aikin	Metcalf
Beck	Moffett
Brownlee	Moore
Bullock	Morris
Chadick	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Lanning	Weinert
Lovelady	Winfield
Martin	York
Mauritz	

Absent—Excused

Cotten	Kelley
Fain	Lemens
Formby	Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

**Senate Bill 201 on Second Reading**

On motion of Senator Stone, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

S. B. No. 201, A bill to be entitled "An Act to amend Section 1 of H. B. No. 8, Chapter VIII, General Laws of the Twenty-eighth Legislature, as heretofore amended, (the same being an Act granting aid to the City of Galveston to enable it to protect itself against calamitous overflows) so as to grant to the City of Galveston taxes due and payable prior to September 1, 1943 and collected prior to September 1, 1948; and declaring an emergency."

The President laid the bill before the Senate, it was read second time, and was passed to engrossment.

**Senate Bill 201 on Third Reading**

Senator Stone moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 201 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—25**

Aikin	Metcalf
Beck	Moffett
Brownlee	Moore
Bullock	Morris
Chadick	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Lanning	Weinert
Lovelady	Winfield
Martin	York
Mauritz	

**Absent—Excused**

Cotten	Kelley
Fain	Lemens
Formby	Spears

The President laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

**Yeas—25**

Aikin	Metcalf
Beck	Moffett
Brownlee	Moore
Bullock	Morris
Chadick	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Lanning	Weinert
Lovelady	Winfield
Martin	York
Mauritz	

**Absent—Excused**

Cotten	Kelley
Fain	Lemens
Formby	Spears

**Senate Bill 309 on Final Passage**

Senator Lanning moved to reconsider the vote by which S. B. No. 309 was passed today.

The motion to reconsider prevailed.

The President laid the bill before the Senate on its final passage.

The bill was passed by the following vote:

**Yeas—20**

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moore
Chadick	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lanning	Weinert
Lovelady	Winfield

**Nays—5**

Bullock	Vick
Martin	York
Moffett	

**Absent—Excused**

Cotten	Kelley
Fain	Lemens
Formby	Spears

**Senate Bill 117 on Second Reading**

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 117, A bill to be entitled "An Act further regulating the traffic in alcoholic liquors in this State by amending the Texas Liquor Control Act in the following particulars: Amend Section 3, Article I, Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature, as amended by Section 1, Chapter 448, Acts of the Regular Session of the Forty-fifth Legislature, defining the term 'open saloon,' naming unlawful acts, and omitting special penalty; amend Section 4. (a)., Article I, Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature, as amended by Section 4, Chapter 448, Acts of the Regular Session of the Forty-fifth Legislature, providing for permits for classified privileges; amending Section 13, Article I, Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature, as amended by Section 14, Chapter 448, Acts of the Regular Session of the Forty-fifth Legislature, declaring liquor permits and licenses special privileges and providing for issuance of such licenses and permits to successors in interest under certain conditions, providing conditions as to holding of permits; amend Section 15 (b) as provided in Section 18, Chapter 448, Acts of the Regular

Session of the Forty-fifth Legislature, amending Article I, Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature, providing time limitation for permits, the payment of fees, requiring permit for each outlet and for manner and method of refunding permit fees paid where application for permit is rejected; amend Section 15 (c) as provided in Section 19, Chapter 448, Acts of the Regular Session of the Forty-fifth Legislature, amending Article I, Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature, and as amended by Section 4, Chapter 13, Acts of the First Called Session of the Forty-fifth Legislature, providing for manner and method of issuance of permits and renewal thereof, providing for method of changing location where permit is used; amend Section 30, Article I, Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature, as amended by Section 37, Chapter 448, Acts of the Regular Session of the Forty-fifth Legislature, providing custody and sale of alcoholic beverages and property forfeited to the State as nuisances, providing for transfer of title thereof, providing for destruction of alcoholic beverages unfit for consumption, allocating funds and making appropriation thereof under certain conditions; etc.; and declaring an emergency."

The bill was read second time.

Senator Moffett offered the following amendment to the bill:

Amend S. B. No. 117 by substituting for the words "voting precinct wherein each of the said signers resides," as appearing in lines 26 and 27, page 7, the words "the residence address of each of the said signers."

(President pro tempore Mauritz in the Chair.)

The amendment was adopted.

Senator Moffett offered the following amendment to the bill:

Amend S. B. No. 117 by substituting for the words and numerals "thirty (30)" and "sixty (60)," as appearing in line 48, page 7, the words and numerals "ten (10)" and "twenty (20)," respectively.

Senator Weinert moved that further consideration of the bill be postponed until next Monday, April 19, 1943, immediately after conclusion of the morning call on that day.

Question first recurring on the motion to postpone, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—12

Beck	Ramsey
Graves	Shivers
Lanning	Stone
Lovelady	Weinert
Martin	Winfield
Mauritz	York

Nays—12

Aikin	Metcalfe
Brownlee	Moffett
Bullock	Moore
Chadick	Morris
Hazlewood	Sulak
Jones	Vick

Absent

Lane

Absent—Excused

Cotten	Kelley
Fain	Lemens
Formby	Spears

Senator Martin moved that the Senate adjourn until 10:00 o'clock a. m. tomorrow.

Yeas and nays were demanded, and the motion to adjourn was lost by the following vote:

Yeas—6

Beck	Vick
Hazlewood	Weinert
Martin	Winfield

Nays—18

Aikin	Metcalfe
Brownlee	Moffett
Bullock	Moore
Chadick	Morris
Graves	Ramsey
Jones	Shivers
Lanning	Stone
Lovelady	Sulak
Mauritz	York

Absent

Lane

Absent—Excused

Cotten	Kelley
Fain	Lemens
Formby	Spears

Question next recurring on the amendment by Senator Moffett, it was adopted.

Senator Moffett offered the following amendment to the bill:

Amend S. B. No. 117 by striking out all of the numerals, words, phrases, clauses, and sentences, as appearing in Section 17-A of said bill, from lines 19 to 51, inclusive, on page 18.

The amendment was adopted.

Senator Brownlee offered the following amendment to the bill:

Amend S. B. No. 117 by adding a new Section to read as follows:

"Sec. .... In all appeals from rules, orders, or decisions of the board where an appeal is now or may hereafter be allowed from such rule, order, or decision, the trial on appeal shall be de novo and said trial de novo shall be the same as if said cause had been originally instituted in said court or in said tribunal to which said appeal lies."

(President in the Chair.)

Senator Martin moved that the Senate recess to 10:00 o'clock a. m. tomorrow.

Yeas and nays were demanded, and the motion was lost by the following vote:

Yeas—12

Beck	Jones
Brownlee	Lane
Bullock	Martin
Chadick	Vick
Graves	Weinert
Hazlewood	Winfield

Nays—13

Aikin	Morris
Lanning	Ramsey
Lovelady	Shivers
Mauritz	Stone
Metcalf	Sulak
Moffett	York
Moore	

Absent—Excused

Cotten	Kelley
Fain	Lemens
Formby	Spears

Question—Shall the amendment by Senator Brownlee be adopted?

Message from the House

Hall of the House of Representatives,  
Austin, Texas,  
April 12, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the following resolution:

H. C. R. No. 98, Instructing the Enrolling Clerk of the House to make certain changes in H. B. No. 297.

The House has granted the request of the Senate for a Conference Committee on S. B. No. 44.

The following have been appointed on the part of the House:

James H. Goodman, Donald, Howard, Hoyo, and Stinson.

The House has passed the following bills:

H. B. No. 12, A bill to be entitled "An Act regulating the granting of electric power and transmission line right of way easement and easements, or leases of sites for electric, substations and the easements thereof and the rates to be charged therefor, on and across public lands of Texas; providing for the disposition of proceeds received from such easements; providing for interest on past due amounts; providing for payment for electric transmission and power line rights of way heretofore taken and now used or occupied by any person or corporation over such lands; etc.; and declaring an emergency."

H. B. No. 44, A bill to be entitled "An Act amending Article 227 of Title Six of the Penal Code of the State of Texas, 1925; etc.; and declaring an emergency."

H. B. No. 45, A bill to be entitled "An Act accepting certain parcels or tracts of land lying adjacent to the territory of the State of Texas, which were acquired by the Government of the United States of America by virtue of the convention between the United States of America and the United Mexican States signed February 1, 1933, and ceded by the United States of America to the State of Texas by an Act of Congress approved February 9, 1940 (54 Stat. 21); and declaring an emergency."

H. B. No. 52, A bill to be entitled "An Act to amend Chapter 7, Title 93, of the Revised Civil Statutes of Texas of 1925, as amended, pertain-



ing to weights and measures, by amending Article 5734; repealing weights per bushel, barrel, and cubic yard for certain commodities; defining the terms 'ton' and 'cord'; describing the method for selling and measuring wood; repealing Article 5735 and all other laws in conflict herewith; and declaring an emergency."

H. B. No. 87, A bill to be entitled "An Act repealing Senate Bill No. 123, Acts of the 46th Legislature, Regular Session and Chapter 100, Acts of the 43rd Legislature, First Called Session as to certain lands; and declaring an emergency."

H. B. No. 135, A bill to be entitled "An Act amending Section 29, House Bill 611, Acts of the Forty-seventh Legislature, Regular Session, providing that the county judge may endorse the last warrant written for the old-age assistance, aid to the blind, or aid to dependent children recipient, but not endorsed by such recipient prior to his death, as payable to the person designated by the State Department of Public Welfare as the one responsible for the care and the obligations incurred by the recipient; etc.; and declaring an emergency."

H. B. No. 166, A bill to be entitled "An Act amending Article 4732 of the Revised Civil Statutes of Texas, by adding thereto Section 12, requiring all family group insurance policies to show the name of each insured, the names of the beneficiary, and the amount which is payable to each payee in case of death, accident or illness, and providing that if there is a graduated scale of payment, the amount payable to each person insured shall be shown; repealing all laws and parts of laws in conflict herewith; etc.; and declaring an emergency."

H. B. No. 178, A bill to be entitled "An Act amending Article 3193; etc.; and declaring an emergency."

H. B. No. 108, A bill to be entitled "An Act authorizing the Commissioners' Court of certain counties, at their option, to levy a tax not to exceed five cents (5c) on the One Hundred Dollar valuation upon personal and real property for the purpose of creating a County Health Unit and paying for medical supplies and services for the immunization of school children and indigent people from

communicable diseases; etc.; and declaring an emergency."

H. B. No. 217, A bill to be entitled "An Act validating the incorporation of such cities and towns of more than 200 and less than 10,000 inhabitants heretofore incorporated or attempted to be incorporated under the General Laws of Texas, Title 28, Revised Civil Statutes of Texas, 1925, and Senate Bill 144, passed by the Forty-seventh Legislature, Regular Session, 1941; etc.; and declaring an emergency."

H. B. No. 223, A bill to be entitled "An Act amending Section 14, Chapter 116, House Bill No. 189, Acts of the Regular Session of the Forty-fourth Legislature, so as to provide for the issuance of a Texas License to Non-residents hairdressers and cosmetologists under certain circumstances for a set fee; etc.; and declaring an emergency."

H. B. No. 281, A bill to be entitled "An Act amending House Bill No. 82, Acts of 1937, Forty-fifth Legislature, First Called Session, Chapter 47, page 1929, prohibiting the transportation of minnows of any and all species out of the counties wherein such minnows are caught, seined, or taken; etc.; and declaring an emergency."

H. B. No. 309, A bill to be entitled "An Act amending Article 2673, Revised Statutes of 1925, as amended by Chapter 278, Acts of the Regular Session of the Forty-first Legislature; and declaring an emergency."

H. B. No. 321, A bill to be entitled "An Act amending Article 2940 of the Revised Civil Statutes of Texas, 1925, as amended by Senate Bill No. 425, Acts of the Regular Session of the Forty-sixth Legislature; etc.; and declaring an emergency."

H. B. No. 326, A bill to be entitled "An Act amending Section 1, of Chapter 101, Senate Bill No. 41, Acts of the Regular Session of the Forty-second Legislature, as amended by Section 1, of Chapter 610, Acts of the Regular Session of the Forty-seventh Legislature, so as to make available group life insurance to employees of school districts in the State of Texas; etc.; and declaring an emergency."

H. B. No. 330, A bill to be entitled "An Act amending Chapter 166, of the Acts of the Forty-second Legislature, Regular Session, 1931, page

285, so as to authorize the Texas Prison Board to grant permanent and temporary right-of-way easements for irrigation systems, electric lines and pipelines and necessary equipment across, along and over any and all lands owned by the State of Texas as a part of the Penitentiary System, providing for guarantees, covenants and conditions; etc.; and declaring an emergency."

H. B. No. 337, A bill to be entitled "An Act providing that it shall be lawful in Marion County, Texas, for any person to kill, take or have in his possession for barter or sale any wild fox or the pelts thereof during the months of December and January of any year; etc.; and declaring an emergency."

H. B. No. 342, A bill to be entitled "An Act providing for the trial of persons in misdemeanor cases in Justice Precinct Courts only in the precinct in which the offense was committed, or in which the defendant resides; etc.; and declaring an emergency."

H. B. No. 343, A bill to be entitled "An Act amending Article 4590-a, Chapter 14, Title 71 of the Revised Civil Statutes of Texas, 1925, as revised, by amending Sections 3 and 13 of said Article; etc.; and declaring an emergency."

H. B. No. 350, A bill to be entitled "An Act providing that judges of the county courts at law may act for the county judge of the county in any juvenile, lunacy, probate and condemnation proceeding or matter, and also may perform any and all other ministerial acts required by law of the county judge, during the absence, inability or failure of the county judge, for any reason to perform such duties; etc.; and declaring an emergency."

H. B. No. 355, A bill to be entitled "An Act providing for the apportionment of the cost of the salary of the official shorthand reporter in judicial districts of this State composed of more than one county, where the court in either of such counties has successive terms without more than two days intervening between any of such terms; etc.; and declaring an emergency."

H. B. No. 379, A bill to be entitled "An Act to amend Section 9 of Section 2 (b) of S. B. No. 412, Chapter 192, Acts 1933, Forty-third Legisla-

ture, Regular Session, as amended by Section 5 of H. B. No. 990, Chapter 13 of Title; etc.; and declaring an emergency."

H. B. No. 421, A bill to be entitled "An Act to amend Subdivision 32 of Article 199, Title 8 of the Revised Civil Statutes of the State of Texas, 1925, amended by Acts 1934, Forty-third Legislature, Third Called Session, page 31, Chapter 16, Section 1, relating to the District Courts for the 32nd Judicial District, so as to change the dates of convening of the District Courts in the Counties of the 32nd Judicial District of Texas and to provide for continuous terms of the District Courts in the Counties of the 32nd Judicial District; validating all process, writs, bonds, and recognizances of every kind and character heretofore issued or entered into, and all grand and petit jurors selected and drawn under the existing laws by the various counties affected by this Act, and providing that same shall be returnable and said juror served by the next term of court in the various counties affected after the taking effect of this Act; etc.; and declaring an emergency."

H. B. No. 438, A bill to be entitled "An Act validating, ratifying, confirming and legalizing all proceedings had by cities and towns in the State of Texas having a population of not more than three thousand (3,000) according to the preceding Federal Census, in submitting to the qualified voters, during the year 1941, the question of issuing of revenue bonds under the provisions of Articles 1111 to 1118, Revised Civil Statutes of Texas 1925, as amended; etc.; and declaring an emergency."

H. B. No. 451, A bill to be entitled "An Act amending Article 881b, Penal Code of the State of Texas, Vernon's Texas Statutes, 1936, being Chapter 61, Third Called Session, Forty-third Legislature, so as to include mourning doves and other migratory game birds; etc.; and declaring an emergency."

H. B. No. 462, A bill to be entitled "An Act to amend Section 15 of Article 6203, Revised Civil Statutes of 1925, as amended; etc.; and declaring an emergency."

H. B. No. 477, A bill to be entitled "An Act amending Section 5, Chap-

ter 141, H. B. No. 551, Acts of the Regular Session of the Fortieth Legislature, as amended by H. B. No. 321; etc.; and declaring an emergency."

H. B. No. 481, A bill to be entitled "An Act validating the action; etc.; and declaring an emergency."

H. B. No. 523, A bill to be entitled "An Act authorizing the conveyance by the State Board of Control of the State of Texas of certain land for the purpose of constructing blast furnaces, iron foundries and any and all other improvements for the purpose of developing the iron ore deposits in the vicinity of Rusk in Cherokee County, Texas; etc.; and declaring an emergency."

H. B. No. 534, A bill to be entitled "An Act to amend Article 5436, Revised Civil Statutes of Texas, 1925, by giving authority to the Texas Library an Historical Commission to transfer books and documents to other libraries which are provided for by State appropriations; etc.; and declaring an emergency."

H. B. No. 536, A bill to be entitled "An Act amending Section 1 of Article 4932 of the Revised Civil Statutes of Texas, 1925; etc.; and declaring an emergency."

H. B. No. 539, A bill to be entitled "An Act to amend Article 256 of the Revised Civil Statutes of Texas, 1925, so as to provide that the Archivist of the Texas State Library shall have power to certify to copies of the archives of the Texas State Library; and declaring an emergency."

H. B. No. 554, A bill to be entitled "An Act repealing H. B. No. 528, same being Chapter 450, passed by the Forty-seventh Legislature 1941, at its Regular Session, providing for compensation for County Auditor and Purchasing Agent in certain counties; etc.; and declaring an emergency."

H. B. No. 560, A bill to be entitled "An Act amending Section 6 of Chapter 427, Acts of the First Called Session of the Forty-fourth Legislature, as amended by Section 2 of Chapter 20, Acts of the Second Called Session of the Forty-fifth Legislature, and Section 7 of Chapter 427, Acts of the First Called Session of the Forty-fourth Legislature, as amended by Section 3 of Chapter 20, Acts of the Second Called Session of the Forty-

fifth Legislature; etc.; and declaring an emergency."

H. B. No. 562, A bill to be entitled "An Act authorizing the Board of Directors of the Agricultural and Mechanical College of Texas to buy property or to sell or lease property providing that the property shall be held in the name of the State of Texas for the benefit of the Agricultural and Mechanical College of Texas providing that the Chairman of the Board of Directors may execute these conveyances in the name of the State of Texas providing that abstracts of title and/or insurance may be secured; and declaring an emergency."

H. B. No. 578, A bill to be entitled "An Act fixing the maximum time and limits under which certain game mammals, game birds and fur-bearing animals of this State may be taken in El Paso, Culberson or Huds-peth Counties; etc.; and declaring an emergency."

H. B. No. 655, A bill to be entitled "An Act relating to marks and brands in Ochiltree County only; amending Article 6899 of the Revised Civil Statutes of Texas, by adding thereto a new section to be known as Article 6899h, requiring that in said county each owner of any livestock mentioned in Chapter 1, of Title 121 of the Revised Civil Statutes of Texas, of 1925, shall, within six (6) months after this Act takes effect, have his mark and brand for such livestock recorded at the office of the County Clerk; etc.; and declaring an emergency."

H. B. No. 596, A bill to be entitled "An Act to amend Sections 1 and 2 of H. B. 1004, Page 329 of the General Laws of the Regular Session of the Forty-sixth Legislature so as to extend their provisions regarding the issuance of certificates and certified copies of instruments to be used in furthering claims and establishing proof of such ex-service men of the Federal Government and such ex-members of the Auxiliaries to the Armed Forces of the United States; etc.; and declaring an emergency."

H. B. No. 657, A bill to be entitled "An Act to describe, define, and officially name a system of Co-ordinates for designating the positions of points on the surface of the earth within the State of Texas, to be known as the 'Texas Co-ordinate

System'; etc.; and declaring an emergency."

H. B. No. 658, A bill to be entitled "An Act amending Subsection 7, Article 199, Title 8, Revised Civil Statutes of Texas, 1925, changing the time and term of holding the Seventh Judicial District Court in Upshur, Wood and Smith Counties, constituting the Seventh Judicial District of Texas; etc.; and declaring an emergency."

H. B. No. 660, A bill to be entitled "An Act authorizing cities in Texas to own electric properties lying outside the State and to issue negotiable revenue bonds for the purpose of acquiring such properties, authorizing such cities to enter into contracts for the sale of electricity outside the State; etc.; and declaring an emergency."

H. B. No. 662, A bill to be entitled "An Act repealing H. B. 483, Regular Session 47th Legislature, fixing a closed season for the taking of racoon and mink in Washington, Lee and Burleson Counties; etc.; and declaring an emergency."

H. B. No. 663, A bill to be entitled "An Act amending Section 16 of House Bill No. 596, Acts of the Forty-seventh Legislature, 1941, page 188, Chapter 136, by increasing the salary of the Judge of the County Court at Law of Travis County, Texas; etc.; and declaring an emergency."

H. B. No. 664, A bill to be entitled "An Act amending Section 1 of S. B. 441, Regular Session, 47th Legislature, so as to apply to Burleson, Fayette, Lee, Washington, and Calhoun Counties; etc.; and declaring an emergency."

H. B. No. 671, A bill to be entitled "An Act repealing Section 2 of House Bill No. 982, Chapter 46, Acts of the Forty-sixth Legislature, Regular Session; etc.; and declaring an emergency."

H. B. No. 673, A bill to be entitled "An Act to amend Section 1 of House Bill No. 432, Chapter 62, Acts of the Forty-sixth Legislature, Regular Session, by eliminating Comal County therefrom; etc.; and declaring an emergency."

H. B. No. 678, A bill to be entitled "An Act providing an open season for hunting wild buck deer in Harrison and Panola Counties; etc.; and declaring an emergency."

H. B. No. 679, A bill to be entitled "An Act to amend Section 3 of Senate Bill No. 334, Chapter 122, Acts of the Forty-third Legislature, Regular Session, 1933; etc.; and declaring an emergency."

H. B. No. 682, A bill to be entitled "An Act making provision in The Flower Grove Independent School District of Martin County for an election to determine the tax rate to be levied for the payment of bonds and interest thereon; etc.; and declaring an emergency."

H. B. No. 684, A bill to be entitled "An Act amending S. B. 88, Chapter 205, Regular Session, 47th Legislature, as amended by H. B. No. 241, Regular Session, 48th Legislature, so as to provide a penalty for the violation of certain provisions of said Act or made under the authority granted thereunder; etc.; and declaring an emergency."

H. B. No. 688, A bill to be entitled "An Act providing for the compensation of the official shorthand reporter of certain courts in all counties in the State of Texas containing a population in excess of two hundred twenty-five thousand (225,000) inhabitants according to the last preceding or any future Federal Census; repealing all laws in conflict herewith; and declaring an emergency."

H. B. No. 690, A bill to be entitled "An Act to amend Section 8 of Senate Bill No. 205, Chapter 79, Acts of the Thirty-ninth Legislature, 1925, changing the time and term of holding the 103rd Judicial District Court in Willacy and Cameron Counties, constituting the 103rd Judicial District of Texas; etc.; and declaring an emergency."

H. B. No. 692, A bill to be entitled "An Act to amend Section 5 of Chapter 367, Acts of the Regular Session of the 42nd Legislature, as amended by Section 2 of Chapter 10, Acts of the Regular Session of the 46th Legislature so as to change the time and length of the terms for holding court in the 119th District Court in the counties of Coleman, Concho, Tom Green and Runnels constituting the 119th Judicial District of Texas; etc.; and declaring an emergency."

H. B. No. 694, A bill to be entitled "An Act to fix the maximum amount of bonds which may be issued by, and to fix the maximum rate of tax

to be levied for school purposes in all independent school districts having a population of more than 200,000 and less than 260,000, according to the Federal Census of 1940 or any subsequent legally authorized census, whether under general or special law, repealing all laws in conflict herewith, both general and special, and declaring an emergency."

H. B. No. 697, A bill to be entitled "An Act amending Sub-section 13 of Article 199, Title 8, Revised Civil Statutes of Texas, 1925, changing the length of the July term of court of the 13th Judicial District; and declaring and emergency."

H. B. No. 602, A bill to be entitled "An Act amending Subsection (14) of Section 1, Subsection 3 of Section 3, Subsection 1 of Section 5, Subsection 2 of Section 7, Subsections 1, 5, 7, and 8 of Section 8, and Section 10 of Senate Bill No. 47, Acts of the Forty-fifth Legislature, Regular Session (carrying into effect Section 48a of Article III of the Constitution of Texas, which established a Teacher Retirement System of Texas), as amended by House Bill No. 1016, Acts of the Forty-seventh Legislature, Regular Session (which House Bill No. 1016 amended Sections 1, 5, 6, 7, and 8 of said Senate Bill No. 47), by changing and adding provisions so as to provide that in time of war and for twelve months thereafter time spent by members of said Retirement System in the Armed Forces of the United States of America, the Armed Forces Reserve, their auxiliaries, the American Red Cross, or in war work under certain conditions, shall not be construed as absent from service but shall count towards membership service under the Act; etc.; and declaring an emergency."

H. B. No. 605, A bill to be entitled "An Act amending Article 7506 of the Revised Civil Statutes of Texas, 1925, so as to clearly provide the circumstances under which applications for water rights shall be denied by the Board of Water Engineers, and so as to adjust the conflict between Articles 7506 and 7507 of the Revised Civil Statutes, and declaring an emergency."

H. B. No. 608, A bill to be entitled "An Act repealing Article 725b, Vernon's Civil Statutes supplemented, 1939, same being Section 3, Title 12, Chapter 3, as amended by Acts 1937,

45th Legislature, Second Called Session; etc.; and declaring an emergency."

H. B. No. 622, A bill to be entitled "An Act to amend Section 5 of Article 1269k of the Revised Civil Statutes of the State of Texas, providing for the appointment, qualification and tenure of commissioners in such manner that the terms of commissioners shall hereafter be for six (6) years, providing for the appointment of such commissioners and authorizing the Mayor of the city in which said housing authority is authorized to so designate the terms of commissioners as that after the original appointments, the commissioners shall be for the term of six (6) years; etc.; and declaring an emergency."

H. B. No. 628, A bill to be entitled "An Act to amend Subsection 26 of Section 1, House Bill No. 614, Acts of the Regular Session of the Forty-sixth Legislature, so as to provide that if the husband is deceased, divorced, or permanently or temporarily outside the limits of the United States or if his whereabouts are unknown the mother shall have the right to file with the local registrar the certificate of marriage to which may be attached a birth certificate for each child giving certain information; etc.; and declaring an emergency."

H. B. No. 630, A bill to be entitled "An Act amending Article 2337 of the Revised Civil Statutes of Texas; etc.; and declaring an emergency."

H. B. No. 631, A bill to be entitled "An Act to amend Section 2 of House Bill No. 1148, Chapter 429, Acts of the Regular Session of the Forty-fifth Legislature, so as to eliminate Hill County; etc.; and declaring an emergency."

H. B. No. 637, A bill to be entitled "An Act providing for a closed season for two years during which time it shall be unlawful to take any alligator or alligators from any portion of Harrison County, Texas; etc.; and declaring an emergency."

H. B. No. 639, A bill to be entitled "An Act to change and prescribe the time for holding the terms of District Court in the 108th Judicial District; etc.; and declaring an emergency."

H. B. No. 640, A bill to be entitled "An Act to change and prescribe the time for holding the terms of District Courts in the 47th Judicial District;

validating and continuing all processes issued or served before this Act takes effect and made returnable to the next term of said court, including recognizances and bonds, and making them returnable to the next term of court in the counties of said district as herein fixed; validating the summoning of grand and petit jurors under this Act; etc.; and declaring an emergency."

H. B. No. 641, A bill to be entitled "An Act to amend Article 709, Revised Civil Statutes, 1925, as amended by House Bill No. 381, Regular Session of the Forty-second Legislature, by adding thereto (1) a provision declaring the invalidity of the lien provided for by such law as against mortgages, pledges, purchasers and creditors acquiring liens against the property of such corporation prior to the filing of notice, (2) a provision authorizing the Secretary of State to file notices of such liens and defining the effect thereof, (3) a provision declaring the intent of Article 7089 as amended, recognizing the rights of innocent third parties and prohibiting the enforcement of such liens as against property the title to which is divested out of the corporation prior to the passage of this Act, and (4) a provision to the effect that no suit shall be brought for the enforcement of liens securing said franchise taxes, penalties and interest unless instituted within ten (10) years from and after the time such corporation shall have forfeited or shall forfeit its right to do business in this State; and declaring an emergency."

H. B. No. 647, A bill to be entitled "An Act authorizing the Board of Directors of Texas Technological College at Lubbock, Texas, to select and convey to the City of Lubbock, a municipal corporation of Lubbock County, Texas, a tract of land not exceeding five (5) acres upon the campus of the said College, for the purpose of erecting thereon an Auditorium Building to be paid for by the City of Lubbock, the instrument conveying said property to set forth said purposes and to provide that the said tract so selected and conveyed shall revert to the said College for its original use as a part of the property of Texas Technological College in the event said property should cease to be used for said purpose, and authorizing the said Board of Direc-

tors of said College to permit ingress to and egress from the said Auditorium; etc.; and declaring an emergency."

H. B. No. 648, A bill to be entitled "An Act making it unlawful to take or kill by trap, snare, or deadfall any fur-bearing animals, or have in his possession the pelts thereof, in the County of Harrison; etc.; and declaring an emergency."

H. B. No. 651, A bill to be entitled "An Act providing for counties and cities to jointly operate and maintain hospitals, providing for a board of managers for the operation of such hospitals, and further providing for the delegation by cities and counties to such board control of such hospitals, providing for a direct tax levy; and declaring an emergency."

H. B. No. 653, A bill to be entitled "An Act to amend Section 4 of Senate Bill No. 352, Chapter 37 of the Acts of the Regular Session of 1925 and further designated as Article 952d of the Penal Code of Texas so as to change the dates of the closed season in the waters described in Section 1, of said Senate bill the same being Article 952a of the Penal Code of Texas; etc.; and declaring an emergency."

Respectfully submitted,

CLARENCE JONES,

Chief Clerk, House of Representatives.

### Bills and Resolutions Signed

The President signed in the presence of the Senate, after their captions had been read, the following enrolled bills and resolutions:

S. B. No. 179, A bill to be entitled "An Act providing that it shall hereafter be lawful to use one dog for the purpose of trailing a wounded deer in the County of Orange; and declaring an emergency."

S. C. R. No. 41, Fixing hour of adjournment sine die.

S. B. No. 47, A bill to be entitled "An Act amending Article 608 and 613 of Title 20, Chapter 2 of the Revised Civil Statutes of 1925 so as to enable the Board of Control to invite bids on printing, binding, stationery, and supplies of like character, estimated to cost less than One Hundred (\$100.00) Dollars without publishing the proposed letting, etc.; and declaring an emergency."

S. B. No. 21, "An Act authorizing corporations without capital stock to have their charters extended, etc."

H. C. R. No. 25, Approving H. R. No. 38 as introduced by the Honorable H. P. Fulmer, chairman of the House Agricultural Committee of the Congress of the United States.

H. C. R. No. 46, Requesting Congress of the United States to pass Legislation to establish a Pharmacy Corps within the Army.

H. C. R. No. 28, Granting Alva W. Templeman permission to sue the State of Texas.

H. C. R. No. 92, Inviting the singers of the Prairie View College to render a program for a joint session of the Legislature.

H. C. R. No. 89, Inviting Bob Hope and his company to speak before a joint session of the Legislature.

#### **Reference of House Concurrent Resolution 98**

H. C. R. No. 98 was read first time and was referred to the Committee on State Affairs.

#### **House Bills on First Reading**

The following House bills, received from the House today, were laid before the Senate, read first time and referred to the committees indicated:

H. B. No. 178, to Committee on Civil Jurisprudence.

H. B. No. 44, to Committee on Criminal Jurisprudence.

H. B. No. 52, to Committee on Agriculture.

H. B. No. 108, to Committee on Civil Jurisprudence.

H. B. No. 12, to Committee on Civil Jurisprudence.

H. B. No. 657, to Committee on State Affairs.

H. B. No. 45, to Committee on State Affairs.

H. B. No. 87, to Committee on State Affairs.

H. B. No. 135, to Committee on State Affairs.

H. B. No. 166, to Committee on Insurance.

H. B. No. 217, to Committee on Towns and City Corporations.

H. B. No. 223, to Committee on Public Health.

H. B. No. 281, to Committee on Game and Fish.

H. B. No. 309, to Committee on Civil Jurisprudence.

H. B. No. 321, to Committee on Privileges and Elections.

H. B. No. 326, to Committee on Insurance.

H. B. No. 330, to Committee on Penitentiaries.

H. B. No. 337, to Committee on Game and Fish.

H. B. No. 342, to Committee on Criminal Jurisprudence.

H. B. No. 343, to Committee on Insurance.

H. B. No. 350, to Committee on Civil Jurisprudence.

H. B. No. 355, to Committee on Judicial Districts.

H. B. No. 379, to Committee on Civil Jurisprudence.

H. B. No. 421, to Committee on Civil Jurisprudence.

H. B. No. 438, to Committee on Civil Jurisprudence.

H. B. No. 451, to Committee on Game and Fish.

H. B. No. 462, to Committee on Criminal Jurisprudence.

H. B. No. 477, to Committee on Civil Jurisprudence.

H. B. No. 481, to Committee on Civil Jurisprudence.

H. B. No. 523, to Committee on Public Lands.

H. B. No. 534, to Committee on State Affairs.

H. B. No. 536, to Committee on Insurance.

H. B. No. 539, to Committee on State Affairs.

H. B. No. 554, to Committee on Civil Jurisprudence.

H. B. No. 560, to Committee on State Affairs.

H. B. No. 562, to Committee on State Affairs.

H. B. No. 578, to Committee on Game and Fish.

H. B. No. 596, to Committee on Civil Jurisprudence.

H. B. No. 602, to Committee on Education.

H. B. No. 605, to Committee on Civil Jurisprudence.

H. B. No. 608, to Committee on Counties.

H. B. No. 622, to Committee on Towns and City Corporations.

H. B. No. 628, to Committee on Civil Jurisprudence.

H. B. No. 630, to Committee on Civil Jurisprudence.

H. B. No. 631, to Committee on Game and Fish.

H. B. No. 637, to Committee on Game and Fish.

H. B. No. 639, to Committee on Civil Jurisprudence.

H. B. No. 640, to Committee on Civil Jurisprudence.

H. B. No. 641, to Committee on Civil Jurisprudence.

H. B. No. 647, to Committee on Civil Jurisprudence.

H. B. No. 648, to Committee on Game and Fish.

H. B. No. 651, to Committee on Civil Jurisprudence.

H. B. No. 653, to Committee on Game and Fish.

H. B. No. 655, to Committee on Stock and Stock Raising.

H. B. No. 658, to Committee on Civil Jurisprudence.

H. B. No. 660, to Committee on Towns and City Corporations.

H. B. No. 662, to Committee on Game and Fish.

H. B. No. 663, to Committee on Civil Jurisprudence.

H. B. No. 664, to Committee on Game and Fish.

H. B. No. 671, to Committee on Game and Fish.

H. B. No. 673, to Committee on Game and Fish.

H. B. No. 678, to Committee on Game and Fish.

H. B. No. 679, to Committee on Civil Jurisprudence.

H. B. No. 682, to Committee on Education.

H. B. No. 684, to Committee on Game and Fish.

H. B. No. 688, to Committee on Civil Jurisprudence.

H. B. No. 690, to Committee on Civil Jurisprudence.

H. B. No. 694, to Committee on Education.

H. B. No. 697, to Committee on Civil Jurisprudence.

### Reports of Standing Committees

Senator Metcalfe, by unanimous consent, submitted at this time the following report:

Austin, Texas,  
April 12, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic to whom was referred H. B. No. 187, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

METCALFE, Chairman.

Senator Weinert, by unanimous consent, submitted at this time the following report:

Austin, Texas,  
April 12, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence to whom was referred H. B. No. 679, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WEINERT, Chairman.

### Committee Substitute Senate Bill 61 on Passage to Engrossment

Senator Aikin called C. S. S. B. No. 61 from the table, on its passage to engrossment (the bill having been read second time and tabled subject to call on today).

The President laid the bill before the Senate on its passage to engrossment.

Senator Morris offered the following amendments to the bill:

(1)

Amend the Committee substitute for S. B. No. 61, page 8, line 33 of the printed bill by inserting between the words "depreciation" and "shall" the following, "and which annual depreciation."

(2)

Amend the Committee substitute for S. B. No. 61 by striking out all of line 56, page 1 after the semi-colon and by striking out the balance of



said paragraph and insert in lieu thereof the following:

"and such appointee shall have had not less than two years actual experience in the operation and management in an executive position of a building and loan association, or shall have had not less than eighteen months actual experience in the supervision of building and loan associations, or, not less than two years experience in the employ of a building and loan association and not less than two years actual experience as a building and loan examiner, or not less than five years actual experience as a building and loan examiner."

(3)

Amend the caption of Committee substitute for S. B. No. 61 by striking out all of line 14, page 1 of the printed bill and insert in lieu thereof the following:

"repealing Subsections 38a and 38b of Section 1 of S. B. No. 13, Acts of the Regular."

(4)

Amend Committee substitute for S. B. No. 61 by striking out all of Section 3 and insert in lieu thereof the following:

"Sec. 3. That Subsections 38a and 38b of Section 1 of S. B. No. 13, Acts of the Regular Session of the Forty-sixth Legislature, and Section 2 of S. B. No. 209, Acts of the Regular Session of the Forty-seventh Legislature, be and same are hereby repealed."

The amendments were adopted severally.

The bill was passed to engrossment.

#### Committee Substitute Senate Bill 61 on Third Reading

Senator Aikin moved that the constitutional rule requiring bills to be read on three several days be suspended and that C. S. S. B. No. 61 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

Aikin	Graves
Beck	Hazlewood
Brownlee	Jones
Bullock	Lane
Chadick	Lanning

Lovelady	Shivers
Martin	Stone
Mauritz	Sulak
Metcalf	Vick
Moffett	Weinert
Moore	Winfield
Morris	York
Ramsey	

Absent—Excused

Cotten	Kelley
Fain	Lemens
Formby	Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—25

Aikin	Metcalf
Beck	Moffett
Brownlee	Moore
Bullock	Morris
Chadick	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Lanning	Weinert
Lovelady	Winfield
Martin	York
Mauritz	

Absent—Excused

Cotten	Kelley
Fain	Lemens
Formby	Spears

#### Conferees on Senate Bill 143

The President announced the appointment of the following conferees on the part of the Senate on S. B. No. 143:

Senators Lane, Chadick, Shivers, Morris, and Bullock.

Recess

Senator York moved that the Senate recess to 10:00 o'clock a. m. tomorrow.

The motion prevailed by the following vote:

Yeas—20

Beck	Graves
Brownlee	Hazlewood
Bullock	Jones
Chadick	Lane

Lanning	Shivers
Lovelady	Stone
Martin	Vick
Moore	Weinert
Morris	Winfield
Ramsey	York

Nays—4

Aikin	Moffett
Mauritz	Sulak

Absent

Metcalf

Absent—Excused

Cotten	Kelley
Fain	Lemens
Formby	Spears

The Senate, accordingly, at 4:40  
o'clock p. m., took recess until 10:00  
o'clock a. m. tomorrow.

## In Memory of Colonel J. W. E. H. Beck

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Senator Beck offered the following resolution:

(Senate Resolution 72)

Due to distractions of the hour, the Senate of Texas has without intention failed to record the passing, and to pay deserved respect to the memory, of a distinguished former Member of this body. Though late in making this recognition, it here symbolizes the outstanding virtues and valiant work of the late Colonel J. W. E. H. Beck, who departed this life in Denver, Colorado, on November 28, 1941.

Colonel Beck was born in Dahlonega, Georgia, on March 24, 1878. He obtained his basic education in Dahlonega and Douglasville, Georgia; and completed his medical course in Atlanta, Georgia, New York City, and Boston, Massachusetts. At the age of twenty-one he commenced the practice of his life profession, and continued it actively for forty-two years.

During the Forty-first, Forty-second, Forty-third Legislatures and a part of the Forty-fourth Legislature, he was an honored Member of this Senate. During his whole life, he maintained a keen interest in all that pertained to the common good. His supreme patriotism led him to early participation in military affairs. On June 1, 1898, he enlisted as a private in the Spanish-American War, being a member of Company E, Third Georgia Regiment. During World War I, he was commissioned a first lieutenant in the Medical Corps, and was stationed at Camp Greenleaf, Georgia. He was honorably discharged from this service on June 29, 1919. On June 3, 1923, he entered the military service of the Texas National Guard, and was commissioned a Captain in the Medical Corps. He was later promoted to Major, and on May 31, 1928, was made Lieutenant Colonel.

On October 21, 1940, Colonel Beck was inducted into active federal service as a Lieutenant Colonel in the Medical Corps for the State of Texas. By act of the President he was promoted to Colonel in the Medical Corps, United States Army, on June 19, 1941.

His long military service, his professional ability, his exceptional leadership wherever placed, combined to make his a life of value which few can hope to attain. In his untimely death the people of his adopted State have lost a true and faithful servant.

Resolved, That this testimonial be printed in the Senate Journal, that a copy of same be delivered to his wife; and that when the Senate adjourns for the day, it do so in his honor.

BECK,  
AIKIN.

Signed—Aikin, Beck, Brownlee, Bullock, Chadick, Cotten, Fain, Formby, Graves, Hazlewood, Jones, Kelley, Lane, Lanning, Lemens, Lovelady, Martin, Mauritz, Metcalfe, Moffett, Moore, Morris, Ramsey, Shivers, Spears, Stone, Sulak, Vick, Weinert, Winfield, and York.

The resolution was read.

On motion of Senator Winfield, and by unanimous consent, the names of all Senators were added to the resolution as signers thereof.

The resolution was adopted unanimously by a rising vote of the Senate.